



# **ADVOCACY**

Service Report January - March 2019

**UMSU**  
UNIVERSITY OF MELBOURNE  
STUDENT UNION

## Introduction

Between 2012 and 2017 the Advocacy Service was funded by the University subject to a service contract. As part of the contractual reporting requirements, the Service produced a quarterly report to the University's Advocacy Service Reference Group (ASRG). Subsequent to the discontinuation of the separate Advocacy service contract with the University, after funding for the service was subsumed into the UMSU whole of organisation funding under the 2017 SSAF funding model, the ASRG was formally disbanded on 17 April 2018 at its final meeting.

Nevertheless, although the Quarterly Service Report was originally commissioned by the ASRG as an accountability measure, it has also served to ventilate student experiences of processes within the relevant parts of the University. Over time, the circulation of the Report grew to encompass a good cross section of the University Community, establishing strong communication channels for feedback and issues management between relevant stakeholders. We hope to continue to expand and consolidate these channels, and invite interested University staff to contact the Service directly to collaborate on responses to the issues identified in the Report.

## Data and 'Anecdota'

The data presented in this report is drawn from the statistics recorded in the Advocacy Service Case management database. It is not drawn from, nor is it correlated with University collected service data, to which we have no access. For this reason, it is important to interpret the data and analysis as pertaining solely to activities of the Advocacy Service. The Report statistics cannot be extrapolated to provide commentary on the performance of Faculties or Schools, unless specifically indicated in the commentary.

The 'Trends and Issues' identified in the report are based on both service statistics, and anecdotal observations and case studies. They are provided as insights into the student experience of University processes, or as potential indicators of systemic problems with administrative decision making and procedural fairness. These issues are not intended to reflect the totality of student experience, but rather those areas where the University needs to address potentially serious issues and risks.

The Service can generate drill down or other statistics on its activities, where these may be of interest to the University community, however due to relatively few resources, such requests need to be made with due notice.

## Projects

An important aspect of our empowerment-based service model is the development of a suite of accessible and informative self-help materials. Accordingly, the Service plans to produce a number of short "video explainers". The first of these was created in 2015 to demystify Course Academic Progress (CAPC) Committees and shows a typical walk through of a CAPC Meeting. The video was recently updated to incorporate a number of changes to the process. The original video had been viewed several thousand times, and over 150 since the recent update. It has been the subject of consistently excellent feedback in our annual service user survey. If you have never seen it, you can view it here:

<https://umsu.unimelb.edu.au/support/advocacy/unsatisfactory-progress/>

More recently the Service has developed a new animated explainer on the tricky issue of Assessment Disputes. We chose this issue as the next priority for an explainer, as the volume of assessment related disputes has been a steady area of growth in presentations to the Service over the past few years. Assessment disputes are notoriously difficult to explain to students as they involve an appreciation of distinctions which often appear very arcane to students. We hope this short, animated video explaining the context and process will help students to understand their options better when they are unhappy with a grade. You can watch it here:

<https://umsu.unimelb.edu.au/support/advocacy/assessment-disputes/>

## Trends and Issues

During this quarter our casework was focused on the usual matters involving appeals to the Academic Board from CAPC decisions, Assessment Disputes, and appeals regarding Special Consideration determinations. The more notable issues this quarter however, concerned some pleasing decisions by Academic Board Appeal Committees on misconduct matters, a notable drop in examination misconduct related matters, and a rise in Assessment Disputes.

Specific issues of note are the following two case studies illustrating the discordant approach between Faculty level misconduct decisions and the approach of the Academic Board Appeal Committee. In these situations, the Appeal Committee corrected the somewhat over zealous faculty decisions, which did not account for mitigation and proportionality and the availability and appropriateness of an educative response in certain situations.

## **Examination Misconduct – putting the educative back in education**

A student who faced an examination misconduct allegation in the Science Faculty was found at first instance to have breached examination rules because they brought in notes in a different format than was described in the examination instructions. This resulted in them having more pages of allowed notes, although the word count of the notes was no more than permitted. The student appealed on the grounds that the penalty imposed was manifestly excessive, inappropriate or not available in the circumstances.

After assessing the available evidence, the Academic Board Appeal Committee determined to uphold the appeal, noting that although the student had exceeded the allowable number and format of pages in the formal examination of the subject, and had consequently breached the examination rules, a finding of academic misconduct and the penalty imposed was disproportionate to the breach. The Panel took into account that it was the student's first experience of the examination format at the University and that they had no previous record of misconduct. In its finding, the Appeal Committee overturned the finding of academic misconduct and directed the faculty to undertake an educative response in relation to the breach instead.

## **Zero Tolerance – zero compassion**

This case involved a student at the Melbourne Business School (MBS) whose brother committed suicide in their home country just five days before final assessment was due in one of their summer subjects. Unfortunately, the student made a poor judgement and submitted work which was largely based on a friend's assignment, in order to submit the assessment and fly home.

Despite the mitigating circumstances, and the fact the assignment was worth 15% of the total subject mark, the MBS Misconduct Committee issued a penalty denying credit for the entire subject. The reason provided for the penalty was that MBS takes a "zero tolerance" approach to misconduct, and consequently denying credit for the entire subject is MBS "policy". Oddly, the Chair of the MBS Committee indicated that they take specific situations into account when it comes to deciding whether an allegation included aggravating circumstances but does not extend the consideration of issues in mitigation.

On appeal, the Academic Board Appeal Panel partially overturned the faculty decision, finding there had been academic misconduct, but recognising that the penalty imposed was disproportionate to the breach, given the gravity of the personal circumstances which occurred a few days prior to the assessment submission date.

### **Recommendation**

The Service is pleased to note that these two appeal outcomes rectified the deficiencies in the original decisions at faculty level, however we continue to observe sometimes major deficits in the approach to misconduct matters at first instance and believe there is a strong case for training and more robust resourcing of faculty level decision-makers.

However, given the same types of decisions come up for appeal again and again, we note that there continues to be a problem with the communication of these decisions back to the original decision makers. We hope in future to see the Appeal Committee's determinations incorporated into standard practice, and future decisions guided by the Board's findings.

## Advocacy Service Statistics

### Comparative data – January - March 2019

This quarter 332 students were provided a service resulting in 1079 contacts. In the same quarter last year, the service saw 314 students which resulted in 1067 contacts with the service.

Additionally, the Advocacy website received over 6000-page views this quarter, with the most popular pages being CAPC info, appeals, misconduct and special consideration.

### Distribution by primary issue

The primary issue is generally identified as the university process to which the student's main concern or problem relates. Data is classified in this way because it provides a standardised and more meaningful breakdown which may be useful for tracking policy trends amongst other things.

### January - March 2019

All Students			Graduate Coursework students			RHD students		
Course Academic Progress Committee	127	38.25%	Course Academic Progress Committee	56	39.72%	Progress- HDR	13	52.00%
Special Consideration	48	14.46%	Special Consideration	16	11.35%	Supervision Problems	3	12.00%
Assessment Dispute	33	9.94%	Assessment Dispute	15	10.64%	Assessment Dispute	3	12.00%
Enrolment problems	20	6.02%	Enrolment problems	9	6.38%	Student complaint about uni staff	2	8.00%
Other	15	4.52%	Academic Misconduct-Plagiarism	6	4.26%	Enrolment problems	1	4.00%
Progress- HDR	13	3.92%	Not Specified	6	4.26%	Selection Appeal	1	4.00%
Selection Appeal	11	3.31%	Other	5	3.55%	Course Academic Progress Committee	1	4.00%
Not Specified	9	2.71%	General Misconduct	4	2.84%	Not Specified	1	4.00%
Academic Misconduct-Plagiarism	8	2.41%	Selection Appeal	4	2.84%			
Remission of Fees	7	2.11%	Remission of Fees	3	2.13%			
Incorrect Advice	7	2.11%	Scholarship Issues	3	2.13%			
Advance Standing Credit/RPL	5	1.51%	Advance Standing Credit/RPL	3	2.13%			
General Misconduct	4	1.20%	Vocational Placement Problems	3	2.13%			
Student complaint about uni staff	4	1.20%	Incorrect Advice	2	1.42%			
Equitable Adjustments (SC Registration)	4	1.20%	Discrimination	1	0.71%			
Vocational Placement Problems	3	0.90%	Quality Teaching	1	0.71%			
Supervision Problems	3	0.90%	Student complaint about uni staff	1	0.71%			
Scholarship Issues	3	0.90%	Academic Misconduct-Falsified docs	1	0.71%			
Academic Misconduct- Exam	3	0.90%	Academic Misconduct- Exam	1	0.71%			
Academic Misconduct-Falsified docs	2	0.60%	Equitable Adjustment (SC Registration)	1	0.71%			
Exchange	1	0.30%						
Quality Teaching	1	0.30%						

## January – March 2018

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress Committee	134	43.51%	Course Unsatisfactory Progress Committee	42	48.28%	Supervision Problems	9	45.00%
Special Consideration	69	22.40%	Special Consideration	15	17.24%	Progress- HDR	5	25.00%
Academic Misconduct- Exam	14	4.55%	Academic Misconduct- Exam	4	4.60%	Student complaint about uni staff	1	5.00%
Supervision Problems	12	3.90%	Academic Misconduct- Plagiarism	4	4.60%	Student Admin- Enrolment problems	1	5.00%
Assessment Dispute	11	3.57%	Student complaint about uni staff	3	3.45%	Scholarship Issues	1	5.00%
Academic Misconduct- Plagiarism	10	3.25%	Admission- Selection Appeal	3	3.45%	Other	1	5.00%
Student Admin- Enrolment problems	9	2.92%	Assessment Dispute	3	3.45%	Course Unsatisfactory Progress Committee	1	5.00%
Academic Misconduct- Collusion	8	2.60%	Student Admin- Exchange	2	2.30%	Not Specified	1	5.00%
Student complaint about uni staff	7	2.27%	Student Admin- Enrolment problems	2	2.30%			
Admission- Selection Appeal	5	1.62%	Advance Standing Credit/RPL	2	2.30%			
Progress- HDR	5	1.62%	Academic Misconduct- Collusion	2	2.30%			
Advance Standing Credit/RPL	4	1.30%	Quality Teaching	1	1.15%			
Not Specified	3	0.97%	Vocational Placement Problems	1	1.15%			
Student Admin- Remission of Fees	3	0.97%	Student Admin- Remission of Fees	1	1.15%			
Vocational Placement Problems	2	0.65%	Supervision Problems	1	1.15%			
Incorrect Advice	2	0.65%	Incorrect Advice	1	1.15%			
Student Admin- Exchange	2	0.65%						
Academic Misconduct- Falsified docs	1	0.32%						
Bullying	1	0.32%						
Equitable Accommodation (SEAP)	1	0.32%						
Other	1	0.32%						
Quality Teaching	1	0.32%						
Scholarship Issues	1	0.32%						
Student Admin- Graduation	1	0.32%						
General Misconduct	1	0.32%						

## Distribution by graduate/undergraduate status

### January – March 2019

Graduate	178	53.61%
Undergraduate	154	46.39%

### January – March 2018

Graduate	161	42.71%
Undergraduate	216	57.29%

## Distribution by International/Domestic Status

January – March 2019

Domestic	163	49.10%
International	169	50.90%

January – March 2018

Domestic	205	54.38%
International	172	45.62%

## Commentary

The proportion of graduate to undergraduate students was 53.61% to 46.39% (compared with 42.48% to 57.52% for the same period last year). This represents an increase in the proportion of graduate students this quarter, with the majority of presentations being graduate students. Although it is not significantly disproportionate to the enrolment load of graduates/undergraduates (51%/49%), it is nevertheless an increase in the proportion of graduates over the last few quarters. The main distinction in the spread of presenting issues this quarter of the same time last year, is a significant increase in Assessment Disputes by graduate students.

During this period 49.1% domestic and 50.9% international students presented to the service, a significant over-representation of international students, who make up 40% of enrolled students. International students were significantly over represented in presentations for CAPC (making up nearly 70%), but on or under proportion in all other areas.

The primary presenting issue this quarter was, as usual for this period, Course Academic Progress Committee (CAPC). Our data includes all processes related to CAPC, from briefing students at risk to Academic Board Appeals. After CAPC matters, Special Consideration, Assessment Disputes, and Enrolment problems were the next most common issues. Enrolment problems displaced selection appeals in fourth place for the first time, and primarily concerned students who had been fined for late enrolment, and a few who had been withdrawn from subjects after week three, due to failing supplementary assessment in a pre-requisite subject.

The proportion of students with special consideration issues continues to decline, although we continue to see students with complex needs missing out on a case managed approach.

Special Consideration matters predominantly involved early assistance with applications, with around a quarter involving internal reviews, and the balance related to formal grievances and Academic Board appeals. The reasons for applications, comprised both physical and mental health problems, and where the applications had been denied due to lateness, insufficient evidence or where no appropriate action was deemed.

Around a third of the assessment disputes involved informal assessment reviews with the examiner for reasons including alleged administrative errors, problems with the conduct of assessment, and allegations of bias. There were also a number of presentations related to formal requests to the Head of Department for effectively the same types of reasons.

Finally, enrolment problems comprised predominantly issues with late CAPC hearings (due to supplementary assessment) leading to delayed enrolment, and in some cases forced withdrawal from subjects where the pre-requisite was ultimately failed.

As usual, the report concentrates on the top four issues for the quarter; however, further breakdowns against other primary issues and against various demographics are available on request.

## Course Academic Progress Assistance - By Stage of process

STAGE	REASON	Total
First Attendance	Mental Health	14
	Physical Health	6
	Cultural adjustment	5
	Transition to University	5
	Family Responsibilities	4
	Language difficulties	3
	Program/course choice	1
	Practical/Rounds/Placement	1
	<b>39</b>	
Second Attendance	Physical Health	4
	Transition to University	1
	Family Responsibilities	1
	<b>6</b>	
Third Attendance	Physical Health	<b>1</b>
Fourth + Attendance	Mental Health	<b>5</b>
Appeal	Termination of enrolment	34
	Restriction on enrolment	32
	Suspension of enrolment	9
	Failed same subject >=2	1
	Physical Health	1
	<b>77</b>	
Ombudsman Victoria	Termination of enrolment	1
	<b>127</b>	

## Course Academic Progress – by Graduate/Undergraduate

Undergraduate	66	51.97%
Graduate	61	48.03%

## Course Academic Progress – by International/Domestic

Domestic	42	33.07%
International	85	69.93%

## Special Consideration - By Stage of Process

STAGE	REASON	Total
Application	Late Application	7
Internal Review	Unhappy with particular outcome	3
	Deemed no appropriate outcome	2
	Deemed insufficient grounds	2
	<b>7</b>	
Formal Grievance	Unhappy with particular outcome	20
	Late Application	5
	Deemed insufficient grounds	4
	Deemed no appropriate outcome	2
	<b>31</b>	

Appeal	Unhappy with particular outcome	2
	Deemed insufficient grounds	1
		<b>3</b>
Total Special Consideration Matters		<b>48</b>

#### Special Consideration – by Graduate/Undergraduate

Undergraduate	31	64.58%
Graduate	17	35.42%

#### Special Consideration – by International/Domestic

Domestic	29	60.42%
International	19	39.58%

#### Assessment Disputes- By Stage of Process

STAGE	REASON	Total
Informal/assessment review with examiner	Conduct of Assessment	5
	Administrative Error	3
	Allegation of Examiner Bias	2
		<b>10</b>
Formal request for remark	Conduct of Assessment	12
	Allegation of Examiner Bias	2
	Administrative Error	1
		<b>15</b>
Formal Grievance	Conduct of Assessment	4
	Allegation of Examiner Bias	2
	Administrative Error	1
		<b>6</b>
Appeal	Conduct of Assessment	1
	Allegation of Examiner Bias	1
		<b>2</b>
Total Assessment Dispute Related Matters		<b>33</b>

#### Assessment Disputes – by Graduate/Undergraduate

Graduate	20	60.61%
Undergraduate	13	39.39%

#### Assessment Disputes – by International/Domestic

Domestic	22	66.67%
International	11	33.33%



## Enrolment Problems - By Stage of Process

STAGE	REASON	Total
Advice	Late	15
	Pre-requisite problem	5
Total Enrolment problem Matters		20

## Enrolment Problems – by Graduate/Undergraduate

Graduate	11	55.00%
Undergraduate	9	45.00%

## Enrolment Problems – by International/Domestic

Domestic	12	60.00%
International	8	40.00%

## Public Advocacy and University Liaisons

The service is always keen for opportunities to speak to staff at the University to demystify our role and explain the services we provide and how we can work together to further student interests.

Staff in the Advocacy Service liaised with the University Community in the following ways over the period:

26-Feb-19	Advocacy & Legal Photo Booth for UMSU Carnival Day as part of Summer Fest	Summer Fest Carnival Day
05-Feb-19	'Assumption storming' workshop led by Lee Papworth - Manager, Student Equity and Disability services using human centred design to improve the experience of students using SEDS	Cx Lab: Rear ground floor 757 Swanston Street
07-Feb-19	Sharing Best Practice in Student Discipline	Japanese Room, Glyn Davis Bldg
26-Mar-19	Student Support Coordinator Paul Ingham visit	Advocacy & Legal Divisional office

The next Advocacy Service report will cover the quarter April to June 2019 and will be available in late July 2019.

Phoebe Churches

Manager, Advocacy & Legal

April 2019